

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Levern Dicker,

Plaintiff,

v.

Swiftway Carriers LLC and John Doe,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2021-CP-21-

SUMMONS  
(Jury Trial Demanded)

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to said complaint on the subscribed, Stewart Law Offices, LLC., 10 Calendar Court, Suite 100, Columbia, South Carolina 29206, within THIRTY (30) days after the service hereof, exclusive of the date of such service. If you fail to answer the complaint within the time aforesaid, then a default judgment will be rendered against you for the relief demanded in the complaint.

Respectfully Submitted,

Stewart Law Offices, LLC

s/Stephen G. Vicari, II  
Stephen G. Vicari, II (S.C. Bar No. 102395)  
10 Calendar Court, Suite 100  
Post Office Box 6787 (29260)  
Columbia, SC 29206  
803-743-4200 (o)  
803-743-4204 (f)  
stephen@stewartlawoffices.net  
Attorney for Plaintiff

Columbia, South Carolina  
October 11, 2021

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Levern Dicker,

Plaintiff,

v.

Swiftway Carriers LLC and John Doe,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2021–CP–21–

COMPLAINT  
(Jury Trial Demanded)

The Plaintiff would respectfully show this Honorable Court that:

**JURISDICTION AND VENUE**

1. Plaintiff is a citizens and residents of Florence County, South Carolina.
2. Defendant Swiftway Carriers LLC (“Swiftway”) is a foreign corporation, transacting business by transporting goods in South Carolina, including Florence County. Defendant Swiftway is vicariously liable for the negligence of its employees, agents, contractors, or servants under the doctrine of *respondeat superior*.
3. Defendant John Doe’s identity is unknown and he is a citizens and residents of South Carolina.
4. Jurisdiction and venue are proper over the Defendants.

**FACTS**

5. Defendant Swiftway is a transport company in the business of transporting goods for a profit.
6. Defendant Doe, at all times relevant herein, is an employee, agent, contractor, or servant of Defendant Swiftway and was acting in the normal course and scope of his employment.

7. On October 8, 2020, Defendant Doe was driving a tractor trailer for Defendant Swiftway and made a delivery to or was picking up goods at McCall Farms in Effingham, South Carolina.

8. Defendant Doe backed his truck up to the loading/unloading well and a metal bridge was placed into the back of the trailer and on the loading well so the goods could safely be unloaded or loaded.

9. At the same time, Plaintiff was working at McCall Farms as a lead man and was assisting with the unloading/loading of Defendants' truck.

10. While Plaintiff was unloading/loading and on the metal bridge, Defendant Doe suddenly and unexpectedly pulled his tractor forward, causing Plaintiff and the metal bridge to fall to the ground in the loading well, about four feet.

11. As a result of the collision, Plaintiff sustained serious and permanent injuries.

12. These injuries have caused Plaintiff to spend significant sums of money for the services of doctors and medical professionals, under whose care they have been, and for medical treatment and care. Plaintiffs likewise may be compelled to spend significant sums of money in the future for the services of doctors and medical professionals and for medical treatment and care.

13. Plaintiff's injuries have caused and will continue to cause them to suffer and endure considerable pain and discomfort.

14. As a result of this incident, Plaintiff has incurred actual damages, compensatory damages, medical expenses, emotional distress, impairment of health and bodily efficiency, and lost wages, among other damages.

**FOR A FIRST CAUSE OF ACTION**

**(Negligence of Defendant Doe)**

15. Plaintiff restates and realleges each and every allegation as if repeated herein verbatim.

16. Defendant had a duty to operate his vehicle in a reasonable manner.

17. Defendant was negligent, careless, reckless, grossly negligent, willful and wanton in the following particulars:

- a. In failing to ensure it was safe to move his tractor;
- b. In failing to maintain proper control of his tractor;
- c. In being inattentive;
- e. In moving his tractor forward knowing the metal bridge had not been removed and that people may be working on the metal bridge loading and unloading goods;
- f. In failing to exercise the degree of care which a reasonable prudent person would have exercised under the same circumstances; and
- g. In any other manners as may be ascertained during discovery or trial of this case.

18. Defendant Swiftway is vicariously liable for the negligence of Defendant Doe under the doctrine of *respondeat superior*.

19. Defendants' negligence directly and proximately caused the injuries and damages suffered by the Plaintiff.

### **FOR A SECOND CAUSE OF ACTION**

#### **(Negligent Hiring, Supervision and Retention of Defendant Swiftway)**

20. Plaintiff restates and realleges each and every allegation as if repeated herein verbatim.

21. Defendant Swiftway was negligent, careless, reckless, wanton, and grossly negligent at the time and place hereinabove mentioned in the following particulars:

- a. In failing to have in place policies and procedures to train, hire, supervise or retain its employees, or if such procedures were in place, in failing to enforce them;
- b. In failing to have in place adequate policies and procedures to mandate compliance by its employees with policies, procedures, and standards related to the safety of operating motor vehicles;
- c. In failing to ensure that its employees had the proper training and experience to be able to safely operate motor vehicles; and
- d. In generally failing to use the degree of care and caution that a reasonably prudent entity would have used under the same or similar circumstances.

22. The negligence of Defendant Swiftway directly and proximately caused the injuries and damages suffered by Plaintiff.

### **JURY DEMAND**

23. Plaintiff demands that all causes of action that may be tried before a jury be so tried.

WHEREFORE, Plaintiff prays for judgment against Defendants in a sum sufficient to adequately compensate him for actual damages, punitive damages, the costs of this action, and any relief a jury may award, and for such other and further relief as this court may deem just and proper.

Respectfully Submitted,

Stewart Law Offices, LLC

s/Stephen G. Vicari, II  
Stephen G. Vicari, II (S.C. Bar No. 102395)  
10 Calendar Court, Suite 100  
Post Office Box 6787 (29260)  
Columbia, SC 29206  
803-743-4200 (o)  
803-743-4204 (f)  
stephen@stewartlawoffices.net  
Attorney for Plaintiff

Columbia, South Carolina  
October 11, 2021

**RETURN**

**State of Texas**           §  
                                  §  
**County of Hidalgo**   §

**State of South Carolina           County of Florence           Common Pleas Court**

**Civil Action No.: 2021-CP-21-02192**

LEVERN DICKER  
Plaintiff

VS.

SWIFTWAY CARRIERS, LLC, ET AL  
Defendants

Came to hand on the 11<sup>th</sup> day of October 2021 at 12:00 p. m. to be served on  
**SWIFTWAY CARRIERS, LLC**, 4113 W. Galveston Ave., McAllen, TX.

I Oscar Ortega being duly sworn, depose and say that on the 12<sup>th</sup> day of October 2021  
at 6:58 p.m.


I:

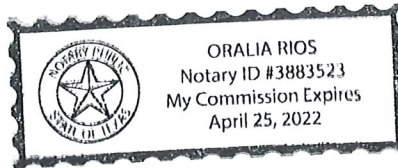
Delivered to the within named defendant in person a true copy of the **Summons and Complaint** in the above numbered and styled cause, having first endorsed on such copy the date of delivery, by delivering to Arminda Castillo.

I certify that I am over the age of 18, have no interest in the above action and am a certified Process Server by the Supreme Court of Texas and a Process Server in good standing in the Judicial District and County Courts in which this process was served.

Subscribed and sworn to before me on  
13 October 2021 by the affiant who is  
personally known to me.

  
\_\_\_\_\_  
NOTARY PUBLIC

  
\_\_\_\_\_  
Oscar Ortega  
No. SCH3155  
Exp. 9/30/2023  
Access Legal Support  
P.O. Box 6752  
McAllen, TX 78502





**RETURN**

State of Texas           §  
                                  §  
County of Hidalgo    §

State of South Carolina           County of Florence           Common Pleas Court

Civil Action No.: 2021-CP-21-02192

LEVERN DICKER  
Plaintiff

VS.

SWIFTWAY CARRIERS, LLC, ET AL  
Defendants

Came to hand on the 11<sup>th</sup> day of October 2021 at 12:00 p. m. to be served on  
**SWIFTWAY CARRIERS, LLC**, 2808 Shasta Ave., McAllen, TX.

I Oscar Ortega being duly sworn, depose and say that on the 12<sup>th</sup> day of October 2021  
at 7:56 p.m.


I:

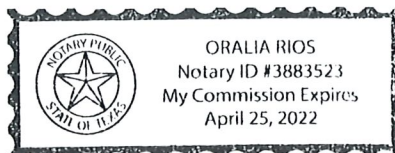
Delivered to the within named defendant in person a true copy of the **Summons and Complaint** in the above numbered and styled cause, having first endorsed on such copy the date of delivery, by delivering to Claudia Garcia.

I certify that I am over the age of 18, have no interest in the above action and am a certified Process Server by the Supreme Court of Texas and a Process Server in good standing in the Judicial District and County Courts in which this process was served.

Subscribed and sworn to before me on  
13 October 2021 by the affiant who is  
personally known to me.

  
\_\_\_\_\_  
NOTARY PUBLIC

  
\_\_\_\_\_  
Oscar Ortega  
No. SCH3155  
Exp. 9/30/2023  
Access Legal Support  
P.O. Box 6752  
McAllen, TX 78502



SCANNED

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS  
TWELFTH JUDICIAL CIRCUIT

Levern Dicker,

CASE NO.: 2021-CP-21-02192

Plaintiff,

vs.

Swiftway Carriers, LLC and John Doe,

**PROOF OF SERVICE**

Defendants.

The undersigned, an employee of Stewart Law Offices, PLLC, attorney for the Plaintiff in the above-entitled action, has served the Defendant John Doe, an unknown individual and/or business, via Florence County Clerk of Court by certified mail (7018 1830 0002 1702 8963) on 10/22/2021, with a Summons and Complaint in the above action as shown by the attached receipt.

  
Tasha L. Smith

SWORN and subscribed to before me

this 10<sup>th</sup> day of November, 2021

Patricia P. Rearnu (L.S.)  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 12/17/2030

11/9/21, 4:19 PM

USPS.com® - USPS Tracking® Results

# USPS Tracking®

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70181830000217028963[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 11:13 am on October 22, 2021 in FLORENCE, SC 29501.

## ✓ Delivered, Front Desk/Reception/Mail Room

October 22, 2021 at 11:13 am  
FLORENCE, SC 29501

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**Text & Email Updates**

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**Tracking History****October 22, 2021, 11:13 am**

Delivered, Front Desk/Reception/Mail Room  
FLORENCE, SC 29501

Your item was delivered to the front desk, reception area, or mail room at 11:13 am on October 22, 2021 in FLORENCE, SC 29501.

**October 22, 2021, 7:33 am**

Out for Delivery  
FLORENCE, SC 29501

**October 22, 2021, 7:22 am**

Arrived at Post Office

878798

11/9/21, 4:19 PM

USPS.com® - USPS Tracking® Results

FLORENCE, SC 29501

October 21, 2021, 11:15 am

Departed USPS Regional Facility

COLUMBIA SC PROCESSING CENTER

October 20, 2021, 8:20 pm

Arrived at USPS Regional Facility

COLUMBIA SC PROCESSING CENTER

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### FAQs

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**STEWART LAW OFFICES, L.L.C.**

BRENT P. STEWART  
Licensed in WV & SC  
brent@stewartlawoffices.net

MARCUS SPAKE  
Licensed in NC  
marcus@stewartlawoffices.net

CHRISTIAN GERENCIR  
Licensed in NC & WV  
christian@stewartlawoffices.net

10 CALENDAR COURT, SUITE 100  
COLUMBIA, SOUTH CAROLINA 29206

REPLY TO:  
POST OFFICE BOX 6787  
COLUMBIA, SOUTH CAROLINA 29260  
1-866 -STEWART • FAX (803) 743-4204

October 20, 2021

TYLER A. BATHRICK\*  
tyler@stewartlawoffices.net

SAM BASS\*  
sam@stewartlawoffices.net

STEPHEN SUGGS\*  
ssuggs@stewartlawoffices.net

STEPHEN G. VICARI, II\*  
stephen@stewartlawoffices.net

\*Licensed in SC

**CERTIFIED MAIL, RETURN RECEIPT**

The Honorable Doris Poulos O'Hara  
Florence County Clerk of Court  
181 N. Irby Street MSC-E  
Florence, SC 29501

**Re: Levern Dicker v. Swiftway Carriers LLC and John Doe**  
**Civil Action Number: 2021-CP-21-02192**

Dear Sir or Madam:

Attached is a Summons and Complaint which I am delivering to you in order to obtain service of process pursuant to § 38-77-180, S.C. Code of Laws, 1976, as amended.

If you have any questions, do not hesitate to call my office.

Sincerely,



Stephen G. Vicari, II

SGV/tls

Enclosures

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To Street and Apt. No., or PO Box No. _____	
City, State, ZIP+4® _____	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	